

PUBLISHED IN THE DERBY REPORTER APRIL 4 AND APRIL 11, 2003

CHARTER ORDINANCE NO. 196

A CHARTER ORDINANCE AMENDING SECTION 1 OF CHARTER
ORDINANCE NO. 151 PERTAINING TO THE METHODS OF
BUILDING PUBLIC IMPROVEMENT PROJECTS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA,
KANSAS:

SECTION 1. Section 1 of Charter Ordinance No. 151 is amended to read as follows:

"Requirements -- Public Improvements. (A) Before the construction or reconstruction of any sidewalk, curb, gutter, bridge, pavement, sewer or the public improvement of any street, highway, public grounds, or public building or facility, or any other kind of public improvement in the City of Wichita is commenced or ordered by the governing body, or by the governing body of any Board, Authority, or other agency of the City which is granted the authority to make public improvements by the statutes of the State of Kansas, or under their authority, a detailed estimate of the cost of the improvements shall be made under oath by the City Engineer (or some other competent person, appointed for such purposes by the governing body). Such estimate shall be submitted to the appropriate governing body for its action thereon. In all cases where the estimated cost of the contemplated building, facility or other improvement amounts to more than Twenty-five Thousand Dollars (\$25,000.00), the governing body of the City, Board, Authority, or other agency of the City shall by a resolution determine whether the work can best be accomplished by the City forces or by contract. If the work is to be done by other than City forces, sealed proposals for the improvements shall be invited by advertisement,

published by the City or any Board, Authority or other agency of the City once in the official City paper. The appropriate governing body shall thereafter let all such work by contract to the lowest responsible bidder, if there is any whose bid does not exceed the estimate; provided that the appropriate governing body, in lieu of awarding the bid to the lowest responsible bidder, may reject all proposals submitted. If all bids submitted exceed the estimated cost, the governing body may reject all bids or may negotiate with any bidder who has submitted a responsive bid, beginning such negotiations with the bidder who has submitted the lowest bid and continuing with the next lowest bidder and so on, and if any such bidder agrees to perform the contract work for the estimated cost may enter into a contract with such bidder.

(B) If the governing body rejects all bids submitted or if no responsible person proposes to enter into the contract at a price not exceeding the estimated cost the same proceedings as before shall be repeated. Thereafter, if no responsible bid is received within the estimate, the governing body shall have power to make the improvements within the estimated cost thereof and shall further have the power to purchase the necessary tools, machinery, apparatus, and materials; employ the necessary labor; and construct the necessary plant or plants for the purpose of carrying into effect the provisions of this act. In no case shall the City, or any Board, Authority or other agency of the City be liable for anything beyond the estimated cost or the original contract price for doing such work or making such improvements.

(C) The City Council may adopt by resolution a pre-bid qualification policy for bidders that sets standards that bidders must meet and maintain to be eligible to bid on City public improvement projects. If a pre-bid qualification policy is established, then the City shall

not accept bids from bidders who do not meet pre-bid qualification standards that have been set for the public improvement project being bid.

(D) The City Council may also adopt by resolution a policy on change orders. If a change order policy is adopted then change orders exceeding twenty-five thousand dollars (\$25,000.00) shall be exempt from bid requirements set forth herein. A policy that exempts bid requirements shall apply only to change orders that arise from unforeseen conditions that are discovered after bids are let and shall apply only to change orders that do not expand the scope of work to be performed under the original contract. A change order policy shall not allow change orders in excess of \$25,000.00 that exceed twenty-five percent (25%) of the original bid.

(E) This section should not be construed to include any repair or maintenance work not amounting to substantial alteration, addition or change to any structure street or facility. 'Public improvement' as used herein shall not include the making of repairs or the maintenance of any building, street, sidewalk or other public facility in the City by employees of the City of a Board, Authority, or other agency of the City and shall not include the making of any expenditures from the City, Board, Authority, or other agency of the City for such purposes."

SECTION 2. Section 2 of Charter Ordinance No. 111 of the City of Wichita, Kansas is hereby repealed.

SECTION 3. The Ordinance shall be published once each week for two consecutive weeks in the official city newspaper.

SECTION 4. This is a charter ordinance and is hereby made subject to a vote of the electors of the City of Wichita, Kansas. It shall take effect only if approved by a majority of the electors voting thereon.

PASSED BY THE GOVERNING BODY, not less than two-thirds of the members-elect
voting in favor thereof, this 1ST day of April, 2003

Bob Knight, Mayor

ATTEST:

Pat Graves, City Clerk

Approved as to Form:

Gary E. Rebenstorf
Director of Law